
STATUTORY INSTRUMENTS

1995 No. 1019

The Local Government Pension Scheme Regulations 1995

PART D

RETIREMENT BENEFITS

Adjustments to standard benefits

Reduction of pensions payable early by virtue of elections etc.

D13.—(1) This regulation applies where benefits are payable to a person—

- (a) under regulation D9, or
- (b) under regulation D11 in a case where the appropriate date is determined under paragraph (2)(d) of that regulation,

and the member's or former member's pension advancement period is at least one year.

(2) Where this regulation applies, then, subject to regulation D17, the standard retirement pension and standard retirement grant, calculated in accordance with regulation D2 and Schedule D2, are reduced by the appropriate percentage for the member's pension advancement period.

(3) In paragraph (2) "the member's pension advancement period", in relation to a person, means the period remaining from the date from which the benefits became payable to his NRD.

(4) In paragraph (2) "the appropriate percentage" means the percentage shown in the appropriate column in the following Table.

Table

Pension advancement period (years)	Percentage reduction		Retirement grant Both Sexes
	Retirement pension Male	Female	
0	0	0	0
1	8	7	2
2	15	13	5
3	22	18	7
4	28	23	9
5	33	27	11

(5) Where the member's pension advancement period is not an exact number of years, the necessary interpolations shall be made in the Table.

Surrender of part of retirement pension in favour of spouse or dependant

D14.—(1) Subject to the following provisions of this regulation and to regulation D17, a person who—

- (a) has become entitled to receive payments in respect of a retirement pension, or
- (b) holds local government employment and has attained normal retirement age,

may surrender, as from the relevant date, in favour of his spouse or any dependant of his ("the beneficiary"), a part of the retirement pension which is or may become payable to him, and a person who has surrendered part of a retirement pension may surrender further parts of it.

(2) The part of the retirement pension surrendered on any occasion—

- (a) shall be an exact number of pounds, and
- (b) shall secure for the beneficiary a pension of at least £97.50 per annum.

(3) The surrendered part (together with any parts previously surrendered) shall not exceed—

- (a) the amount which would result in the reduction of the retirement pension to less than the rate of the pension which would become payable to the beneficiary, or
- (b) one third of the retirement pension, or
- (c) where Schedule D6 (former teachers) applies, one third of the retirement pension receivable after reduction under that regulation.

(4) Where a person who has made a surrender under this regulation dies, an annual pension at a rate which is (according to tables to be prepared from time to time by the Government Actuary) actuarially equivalent at the relevant date to the value of the surrendered part of the retirement pension becomes payable to the beneficiary.

(5) For the purposes of this regulation "the relevant date" means—

- (a) the date of becoming entitled to receive payments in respect of the retirement pension; or
- (b) in the case of a person who dies while still in local government employment, immediately before the date on which he died.

(6) Where the person surrendering holds local government employment and has attained normal retirement age, references in paragraphs (2) and (3) to the retirement pension are references to the retirement pension which would become payable if he were to cease to hold his employment on the day on which the surrender takes effect.

(7) Schedule D4 shall have effect for the purpose of making further provision as respects the procedure for surrenders under this regulation.

Adjustments to retirement pensions and grants for certain re-employed pensioners

D15. Schedule D5 shall have effect for the purpose of making provision as to the retirement benefits in respect of certain pensioners who are re-employed by LGPS employers; and the provisions of this Part have effect subject to Part I of that Schedule (reduction of retirement pensions), Part II of that Schedule (combined benefits) and Part III of that Schedule (separate benefits).

Reduction of retirement pensions of certain former teachers.

D16. The provisions of Schedule D6 shall have effect as respects the reduction in pensions of certain former teachers.